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April 29, 2003  
 (Date)  
 Glen L. Nuttal, Reg. No. 46,188

### FACSIMILE TRANSMITTAL SHEET

TO: Examiner Frederick Lyndon Lagman  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 GROUP ART UNIT: 3673  
 SERIAL NO.: 09/848,972  
 FILING DATE: May 4, 2001  
 FAX NO.: (703) 305-7687  
 FROM: Glen L. Nuttal  
 CLIENT CODE: LOCHT.060RA  
 TOTAL NUMBER OF PAGES: - 20 - (INCLUDING COVER SHEET)  
 DATE: April 29, 2003 TIME: P.D.T.

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MESSAGE: Enclosed for filing in the above-identified patent application is a Office Action Response.

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 Suite 1200  
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 Fax 619-215-8378

NO. 149 P. 1/20

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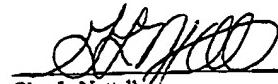
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1114 March Street  
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 Fax 805-547-5500

**PATENT**

Case Docket No. LOCHT.060RA  
Date: April 29, 2003  
Page 2

- 
- (X) The present application qualifies for small entity status under 37 C.F.R. § 1.27.
  - (x) Charge \$124 to Deposit Account No. 11-1410.
  - (X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.



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Glen L. Nuttal  
Registration No. 46,183  
Attorney of Record  
Customer No. 20,995  
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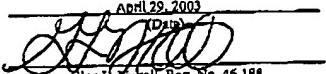
Case Docket No. LOCHT.060RA  
Date: April 29, 2003  
Page 1

In re application of : Thomas J. Lochtefeld )  
App. No. : 09/848,972 )  
Filed : May 4, 2001 )  
For : SIMULATED WAVER WATER )  
SCULPTURE )  
Examiner : F. Lagman )  
Art Unit : 3673 )

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April 29, 2003

  
Glen L. Wohlfeld, Reg. No. 46,186

UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 2327  
Arlington, VA 22202

Sir:

Transmitted herewith is an amendment in the above-identified application.

(X) An extension of time to respond for 1 month is hereby requested.

Time Extension Fee:

(X) one month (\$55 small entity)  
( ) two months (\$205 small entity)  
( ) three months (\$465 small entity)

The fee has been calculated as shown below:

CLAIMS AS FILED						
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE	
Total Claims	80	—	77	= 3 × \$9	= \$27	
Independent Claims	13	—	12	= 1 × \$42	= \$42	
If application has been amended to contain multiple dependent claim(s), then add				\$140	= \$0	
Time Extension Fee					\$55	
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$124	

#  
12  
Request for  
Recon  
PB  
10/10/02

LOCHT.060RA

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant	:	Thomas J. Lochtefeld	)	Group Art Unit 3673
Reissue Appl. No.	:	09/848,972	)	CERTIFICATE OF FAX TRANSMISSION
Filed	:	May 4, 2001	)	I hereby certify that this communication and any attachments are being faxed to the Patent and Trademark Office below:
Reissue of Patent No.	:	5,899,634	)	 Glen L. Mitchell, Reg. U.S. Pat. & Tm. Off.
For	:	SIMULATED WAVE WATER SCULPTURE	)	October 3, 2001 Date
Examiner	:	F. Lagman	)	FAX REC'D. OCT

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## **RESPONSE TO OFFICE ACTION**

**OFFICIAL**

United States Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

Dear Sir:

In response to the Office Action mailed August 12, 2002, Applicant respectfully submits the following comments in connection with the above-captioned application.

Claims 1-8, 10-18 and 20-39 have been allowed; however Claims 42-81 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,036,603 to Mason et al.

Applicant would like to thank Examiner Lagman for the courteous telephone interview with Applicant's attorney, Glen Nuttall, on October 3, 2002. As discussed in the interview, the above-captioned application is a reissue application of U.S. Pat. No. 5,899,634, which issued from an application filed on October 22, 1996. Thus, the priority date of the above-captioned application is October 22, 1996. The application that became the Mason patent was filed on September 29, 1998. As such, the Mason patent is not prior art to the above-captioned

Appl. No. : 09/848,972  
Filed : May 4, 2001

application. Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection of Claims 42-81.

Applicant believes that all of the claims currently are in condition for allowance.

**CONCLUSION**

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the application in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 10/3/02

By:   
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